United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,931	01/18/2002	Georges Nouadje	EGYP 3.0-018 1063	
	7590 01/08/2007 VID, LITTENBERG,	•	EXAMINER	
KRUMHOLZ & MENTLIK			NOGUEROLA, ALEXANDER STEPHAN	
600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ART UNIT	PAPER NUMBER
5111,			1753	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE .	
3 MONTHS		01/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 30°CR1 1380°C, in no event, however, may a reply be limiting fleat of the communication of 10°CR1 1380°C, in the maining date of this communication is the provision of the second part of the reply will by status, cauche in application become ARANDONED [38 U.S. C. § 133. Any pray received by the Office later than three maining state of this communication, even if timely fleed, may reduce any search part of the adjustment. Sea of CFR 1.74(b). Status 1) Responsive to communication(s) filed on 24 October 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1,2,4,5,7-25,27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24,25 and 27-30 is/are withdrawn from consideration. 5) Claim(s) 1,2,4,5,7-23, and 34-36 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1,2,4,5,7-23, and 34-36 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.62(a). 11) The coath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) Money of		Application No.	Applicant(s)				
ALEX NOGUEROLA 1753	Office Action Comment	10/052,931	NOUADJE ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALING DATE OF THIS COMMUNICATION. Eathers of the rary be a validate under the provision of 3 CPR 1 1380, in revent, however, may endy be timely filled the provision of 3 CPR 1 1380, in revent, however, may endy be timely filled the provision of 3 CPR 1 1380, in revent, however, may endy be timely filled the provision of 3 CPR 1 1380, in revent, however, may endy be timely filled the provision of 3 CPR 1 1380, in revent, however, may endy be timely filled or the provision of the	Oπice Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estatistics of time may be available under fee provisions of 37 CPR 1.78(a). In revent, however, may a may be timely filed. Estatistics of time may be available under fee provisions of 37 CPR 1.78(a). In revent, however, may a may be timely filed. Estatistics of time may be available under fee provisions of 37 CPR 1.78(a). In revent, however, may a may be timely filed. Estatistics of the many of the many of the provision	·	ALEX NOGUEROLA	1753				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Electricos or time may be available under be provided and a provided with a position of 3 of 2R1.13(a)(a). In a event, however, may a repty be limitely filed after 51X (a) MOINTIS from the mailing date of this communication. If NO peaced or may be specified above, the maximum actuatory period will apply and all copies BLX (a) MOINTIS from the mailing date of this communication. If NO peaced or may be specified above, the maximum actuatory period will apply and all copies BLX (a) MOINTIS from the mailing date of this communication. Any major received by the Office bether than three months after the mailing date of this communication, even if timely filed, may reduce any seared patent term adjustment. See 37 CFR 1.704(b). Status 1)⊠ Responsive to communication(s) filed on 24 October 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-filinal. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)⊠ Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.56 and 27-30 is/are withdrawn from consideration. 5)□ Claim(s) 1.2.4.5.7-23. and 34-36 is/are rejected. 7)□ Claim(s) is/are allowed. Claim(s) 1.2.4.5.7-23. and 34-36 is/are rejected. 7)□ Claim(s) is/are subjected to by the Examiner. 4)□ Claim(s) is/are subjected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) the held in aboyance. See 37 CFR 1.85(a). Replacement drawin	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address				
1)⊠ Responsive to communication(s) filed on 24 October 2006. 2e)☐ This action is FINAL. 2b)⊠ This action is non-finat. 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5)☐ Claim(s) 1.2.4.5.7-23, and 34-36 is/are rejected. 7)☐ Claim(s) is/are objected to. 8)☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9)☐ The specification is objected to by the Examiner. 10)☑ The drawing(s) filed on 18 January 2002 is/are: a)☑ accepted or b)☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)☐ The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☑ All b)☐ Some * c)☐ None of: 1.☑ Certified copies of the priority documents have been received. 2.☐ Certified copies of the priority documents have been received in Application No. 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1)☐ Notice of Patern Drawing Review (PTO-948) 5)☐ Notice of Orabperson's Patent Drawing Review (PTO-948) 5)☐ Notice of Orabperson's Patent Application	 WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1.2.4.5.7-23, and 34-36 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.35(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:	Status						
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) 1.2.4.5.7-23, and 34-36 is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	1) Responsive to communication(s) filed on 24 Oc	ctober 2006.					
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	,	•	•				
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1.2.4.5.7-23, and 34-36 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Informal Patent Application	· <u></u>						
Application of Claims 4) ☐ Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5) ☐ Claim(s)							
4) Claim(s) 1.2.4.5.7-25.27-30 and 34-36 is/are pending in the application. 4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) cacepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 Notice of References Cited (PTO-892) 21 Notice of References Cited (PTO-892) 32 Notice of Termal Patent Application	:	,					
4a) Of the above claim(s) 24.25 and 27-30 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are objected to. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) □ Some * c) □ None of: 1. ☒ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 □ Notice of References Cited (PTO-892) 21 □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 23 □ Notice of Informal Patent Application	Disposition of Claims						
5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 18_ January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-982) 21 ☐ Information Disclosure Statement(s) (PTO/5B/08) 51 ☐ Notice of Informal Patent Application	4) Claim(s) 1,2,4,5,7-25,27-30 and 34-36 is/are pending in the application.						
6) ☐ Claim(s) 1.2.4.5.7-23, and 34-36 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 18. January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 ☐ Notice of References Cited (PTO-892)	4a) Of the above claim(s) 24,25 and 27-30 is/are withdrawn from consideration.						
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Interview Summary (PTO-413)	5) Claim(s) is/are allowed.						
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of Draftsperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date. Notice of Informal Patent Application	6)⊠ Claim(s) <u>1,2,4,5,7-23, and 34-36</u> is/are rejected	6)⊠ Claim(s) <u>1,2,4,5,7-23, and 34-36</u> is/are rejected.					
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 ☐ Notice of References Cited (PTO-952) 21 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 22 ☐ Notice of Informal Patent Application	7) Claim(s) is/are objected to.) Claim(s) is/are objected to.					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on **18 January 2002** is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 Notice of References Cited (PTO-892) 21 Notice of Draftsperson's Patent Drawing Review (PTO-948) 23 Information Disclosure Statement(s) (PTO/SB/08) 50 Notice of Informal Patent Application	8) Claim(s) are subject to restriction and/or election requirement.						
10) ☐ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 ☐ Notice of References Cited (PTO-892) 21 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 32 ☐ Notice of Informal Patent Application	Application Papers						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application	9)☐ The specification is objected to by the Examiner.						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some column None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application							
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 5) ☐ Notice of Informal Patent Application							
Priority under 35 U.S.C. § 119 12)							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1 Notice of References Cited (PTO-892) 2 Notice of Draftsperson's Patent Drawing Review (PTO-948) 3 Information Disclosure Statement(s) (PTO/SB/08) 5 Notice of Informal Patent Application	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1 Notice of References Cited (PTO-892) 2 Notice of Draftsperson's Patent Drawing Review (PTO-948) 3 Information Disclosure Statement(s) (PTO/SB/08) 5 Notice of Informal Patent Application	Priority under 35 U.S.C. § 119						
a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 1 ☐ Notice of Informal Patent Application	<u> </u>	priority under 35 U.S.C. & 119/a)-(d) or (f)				
1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) 1 ☐ Notice of Informal Patent Application							
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 1 Notice of Informal Patent Application							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 5) Notice of Informal Patent Application		• •					
* See the attached detailed Office action for a list of the certified copies not received. *Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) *Attachment(s) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 5) Notice of Informal Patent Application	·						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application		•					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	Attachment(s)						
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application							
	3) Information Disclosure Statement(s) (PTO/SB/08)						
		6) Other:					

Art Unit: 1753

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention of Group I in the reply filed on October 24, 2006 is acknowledged. The traversal is on the ground that new claim 36 is allegedly a "linking" claim that links the invention of Groups I and II. This is not found persuasive because claim 36 is not a linking claim. A linking claim is usually of the same type of invention as the claims that it links, for example, a genus claim that links species claims or a combination claim that links subcombinations. The invention of Group I is directed to a capillary electrophoresis process, but the invention of Group II is directed to a product (buffer) that may be used in a capillary electrophoresis process. More importantly, a linking claim is a claim that if found allowable necessarily implies that the claims it links are also allowable. The allowability of Claim 36 does not necessitate the allowability of claims 1 and 24. For example, although it may be unobvious to use the specified buffer of claim 36 in the specified capillary electrophoresis process, the buffer itself may still be obvious, if not anticipated. Since independent claims 1 and 20 do not require the buffer of claim 36 they are evidence that

Art Unit: 1753

the buffer of claim 24 is not necessary for the patentability of the invention of Group I. Applicants are referred to MPEP 806.05 (c).II.B. and 809 for more details on "linking" claims and "evidence" claims.

The requirement is still deemed proper and is therefore made FINAL.

Status of the Objections and Rejections Pending since the Office Action of September 20, 2006

- 2. The objection to claim 33 is withdrawn.
- 3. The rejections of claim 33 under 35 U.S.C. 112, first paragraph, are withdrawn.
- 4. The rejections of claims 24, 25, 27-30, and 33 under 35 U.S.C. 112, second paragraph, are withdrawn.
- 5. All rejections under 35 U.S.C. 103(a) are withdrawn.
- 6. The double patenting rejections of claims 1, 2, 4, 5, 7-25, 27-30, 34, and 35 are maintained.
- 7. The double patenting rejections of claims 24, 25, and 27-30 are withdrawn as these claims are now non-elected.

Art Unit: 1753

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claim 36 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 of copending Application No. 10/052,601. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 20 meets all of the limitations of claim 36 (note that claim 20 requires octanesulphonate, an alkyl-m-on-sulphonate, in the buffer).

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 1753

10. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-

1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Molurale
Alex Noguerola

Primary Examiner

AU 1753.

January 4, 2007

Page 5